

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5405 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SOMABHAI DEVABHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PV HATHI for Petitioners

MR VB GHARANIA ASSTT. GOVERNMENT PLEADER for Respondent No. 1

MS VASUBEN P SHAH for Respondent No. 4, 5, 6

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 26/03/99

ORAL JUDGEMENT

This petition has been filed for quashing the orders at Annexure "B" and "C". The petitioner No. 1 has filed further affidavit stating therein that the village people have already settled the matter with the petitioner and the panchayat also passed the resolution dated 31st March, 1992 to that effect. Pursuant to the

said settlement, the petitioners have given part of land on which rooms for the village school have already been constructed by the panchayat. Now, no dispute between the parties survives. Respondents nos. 4 to 6 are also parties to the said settlement and as such, their grievance as against the purchase of the plot by the petitioners does not survive. The petitioners have already constructed residential house on the remaining part of the plot no. 1 and 2 and they have given 16 ft.. land for constructing school room. Their residential house and the school are in existence since 1992. No dispute survives between the village people and the petitioner.

2. In view of the affidavit in reply filed by petitioner and the assertions made therein, this petition does not survive and the same is disposed of accordingly.

26.3.1999. (Kundan Singh, J.)

Vyas